

REMARKS

By this amendment, the drawings and claims 1, 3, 18, 24, 26, and 28 have been revised to place this application in condition for allowance. Currently, claims 1-30 are before the Examiner for consideration on their merits.

In response to the objection to the drawings, a corrected Figure 4A is submitted in a separate letter to the draftsman, and this submission effectively removes the objection. The objection to the drawings regarding claim 4 is not understood. In the objection, the Examiner alleges that the tapered cross beams are not shown. However, Figure 4B clearly shows cross members 23 tapering in height.

Claims 26 and 28 have been amended in response to the objections made on page 3 of the Office Action.

In response to the rejection under 35 U.S.C. § 112, second paragraph, claims 1 and 24 are revised to address the instances of indefiniteness raised by the Examiner. Claims 1 and 3 now define a center portion for an end of the trailer. Claim 24 clarifies that the adapter block has a receiving surface for lifting. In light of the revisions to claims 1 and 24, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Turning now to the rejections, the Examiner relies on United States Patent No. 2,846,263 to LaRue to reject claims 5 and 6 under 35 U.S.C. § 102(b), and the combination of LaRue and United States Patent No. 3,498,636 to Jahn et al. (Jahn) to reject claims 1-4, 13, 14, 18, and 23. Other claims are rejected on the combination of LaRue and United States Patent No. 3,536,340 to Talbert. These rejections are respectfully traversed via the headings of INVENTION, ARGUMENTS, and SUMMARY.

INVENTION

The invention involves a number of advancements in the performance of low load trailers. One advancement is the tapered box beam that is used as part of the front end assembly of a front loading trailer, see trailer claims 1 and 5, and method of lifting claim 3. The tapered box beam simplifies the ramp design of the trailer by taking the lifting load. The use of the tapered box beam makes the low load trailer more versatile in that it can be used to load small and large equipment, see the discussion on pages 4 and 5 of

the instant application.

Another advancement is the development of an adapter block, see claim 24. The adapter block reduces the travel of the tow for a trailer having a low profile front end assembly, see page 35 et seq. of the application.

Another aspect of the invention is the rear axle mounting plates, see claim 26. This allows the trailer to be formed with straight rails, and eliminates the problems associated with forming the trailer rails with a curve.

ARGUMENTS

Claim 1

Claim 1 stands rejected based on the combination of LaRue and Jahn. In making this rejection, the Examiner alleges that LaRue teaches all of the features of claim 1 but for the top portion of the trailer having a hitch portion. The Examiner points to Jahn to allege that putting a hitch portion on the top of a trailer is known, and therefore, it would be obvious to modify LaRue and have the hitch portion on the top of the trailer.

The rejection of claim 1 fails for a number of reasons. First and contrary to the Examiner's assertion, LaRue does not include the features of claim 1 but for the hitch portion on the top of the trailer. In the rejection, the Examiner alleges that "A" is the claimed pickup shaft. "A" is not a shaft at all but a longitudinal distance that references the shallow beam portion of the trailer, see col. 4, lines 24-26. Thus, LaRue does not teach the claimed pickup shaft.

The Examiner calls "36" the claimed bottom portion of the tapered box beam. "36" is a flange on each of the vertically disposed cross member plate members 35 that are located in the "B" section of the trailer. The plates 35 are not even relevant to the claimed tapered box beam assembly that extends from a pickup shaft to a center portion of an end of the trailer. In fact, from Figure 2 it is clear that the members 35 are not part of a front end assembly whatsoever, and the flange 36 has nothing to do with a front end assembly of the LaRue trailer. This is another failing in LaRue that requires withdrawal of the rejection.

The rejection is also flawed since the Examiner fails to address the opposing ramp sections. No mention of ramp sections is made in the rejection of claim 1. LaRue has no

ramp sections. Moreover, given the style of the LaRue trailer, one would not employ opposing ramp sections.

To summarize, a number of claim limitations alleged to be found in LaRue are, in fact, not contained in this prior art, and without these features, the rejection cannot stand.

The rejection also fails from a perspective of combining LaRue and Jahn, and a lack of motivation to modify LaRue. The Examiner concludes that one of skill in the art would put the hitch on the top portion of the trailer of LaRue in order to allow it to be picked up. This conclusion ignores the fact that the LaRue trailer is specifically designed to be towed by a truck with a hitch underlying the trailer bed. How would the truck of LaRue pull the trailer if the hitch were on top.

What the Examiner is seems to be alleging is that it would be obvious to make the trailer of LaRue a low load trailer. However, this makes no sense. Why not just use the trailer of Jahn? Moreover, how would one go about picking up the trailer of LaRue with a hitch on the top thereof. The hitch of Jahn is specifically designed to support a trailer having a low profile front end assembly, and it is contended that such a hitch would not work with a modified LaRue trailer.

Again, the reliance on Jahn is misplaced, and the Examiner cannot use its teachings to formulate a rejection. Jahn is directed to an entirely different type of trailer than LaRue. In fact, Jahn is more relevant than LaRue in that Jahn is a low load trailer having a front end assembly and ramps. At best, the Examiner is using hindsight to formulate the rejection, and has not provided an objective factual basis to support the conclusion of obviousness.

While the Examiner makes no mention of it, LaRue does teach a box beam construction, see Figure 3, wherein the vertical web 21, plate 31, top 32, extrusion member 27 and plate extension 34. However, this box beam is not the same as that claimed since the claimed box beam has walls that are aligned with trailer bed support rails. In addition, a top portion of the box beam does not have the claimed hitch contact area.

To summarize, LaRue does not teach all of the features of claim 1 but for the top portion hinge contact area, and even if Jahn were combined with LaRue, claim 1 is still

not taught. Moreover, there is no reason to modify LaRue as alleged in the Office Action, and the combination of LaRue and Jahn is improper.

As an aside, the mere fact that LaRue teaches a box beam does not render claim 1 as obvious. Applicant is not contending to be the first person to invent a box beam. However, Applicant is the first to employ a box beam as part of the front end assembly of a low load trailer. In addition, the significant advantages are attained in the field of low load trailers when such a box beam is used, and these advantages are not expected in the art.

Claim 2

The rejection of claim 2 is misplaced for the reason that the reasoning to modify LaRue is improper. The Examiner admits that the features of claim 2 are missing from LaRue. The Examiner points to Jahn for the existence of tapered side rails, interconnecting side rails, and cross members following the taper height. This interpretation of Jahn is incorrect. While Jahn may have tapered side rails 16 and 18, these are part of the ramp assembly of Jahn, not part of the trailer. What the Examiner proposes is that somehow one of skill in the art would take the ramps of Jahn and use them as part of the trailer construction of LaRue. There is absolutely no reason why such a modification would be done; it is pure speculation on the part of the Examiner to make such an allegation. Moreover, why use them on the front end of the trailer? Given the type of trailer of LaRue, why use ramps at all? The rejection of claim 2 just does not make sense and must be withdrawn.

Claim 3

In the rejection of claim 3, the Examiner concludes that it would be obvious to lift the trailer of LaRue using the gooseneck hitch of Jahn. This rejection is improper since Jahn teaches a specific structural arrangement in the trailer to permit lifting. No such arrangement is found in LaRue. While the Examiner alleges that LaRue has a pickup shaft, no such shaft exists as pointed out above. How would one of skill in the art go about lifting the trailer or LaRue using Jahn? The Examiner's rejection just fails to take into account the fundamental differences between the trailer of LaRue and Jahn, and is merely cobbling together the rejection without a legitimate basis to do so. To conclude, the rejection of claim 3 is also in error and must be withdrawn.

Claim 5

Claim 5 is alleged to be anticipated by LaRue. This rejection fails to consider all of the limitations of claim 5. LaRue does not teach a trailer having a front loading assembly with opposing ramp sections nor does LaRue teach a trailer pickup shaft. The lack of these elements precludes a further rejection under 35 U.S.C. § 102(b). Thus, even if one were to interpret LaRue to teach a means for distributing a load as claimed, LaRue would still be lacking in the elements mentioned above.

It is also contended that the Jahn and LaRue cannot be combined to obviate claim 5 under 35 U.S.C. § 103(a). As argued above, the trailer of LaRue is fundamentally different from the trailer of Jahn. To pick and choose features of the two trailers to meet the claim limitations is an exercise in hindsight, and such cannot form the basis for a legitimate rejection of claim 5. Put another way, while Jahn may be considered to have a front end assembly linked to a center portion of the trailer end by virtue of the horns 54 and 56. However, the mere existence of box beams in LaRue does not by itself give rise to a reason to combine LaRue and Jahn so as to arrive at the invention. As argued above, the two trailers are as similar as "apples" and "oranges." Any effort at combining the references to allege obviousness is the blatant use of hindsight based on Applicant's own invention.

Claim 13

The rejection of claim 13 is flawed for the same reason as claim 2. That is, there is no motivation to take the ramps from a low load trailer such as Jahn and use them on the type of trailer taught by Jahn.

Claim 14

In this rejection, the Examiner references item number 27 as the bottom portion of the trailer. In the rejection of claim 1, "36" was contended to be the claimed bottom portion. Nevertheless, the rejection of claim 14 also flawed since the Examiner has not shown each and every feature of the claim. The claim defines the tapered rails as webs with flanges that form the box beam. The Examiner points to the plate 32, webs 35 and flanges 27 as elements that meet the claim language. First, the rails of Larue are webs 21 and 22. These webs do not have flanges that form the top and bottom of the box beam. The plate 32 is the top, and this plate is part of the rails 21 and 22. Moreover, the

flange 27 does not form the box beam, see Figure 4. Lastly as noted above, the component 35 of La Rue is not a web, it is a cross member plate, which does not form a box beam. Consequently, the rejection of claim 14 is also in error.

Claim 18

Claim 18 has been revised to clarify that the removable axle assembly is a rear axle assembly, and this limitation effectively overcomes the rejection of record. In the rejection, the Examiner contended that the truck constituted an axle assembly. While Applicant disputes this interpretation, the revision to claim 18 moots the issue.

Claim 24

In the rejection, the Examiner admits that LaRue does not teach the claimed adapter block. The Examiner cites United States Patent No. 3,536,340 to Talbert for the proposition that an adapter block is known, pointing to reference numeral 50 in the reference. This rejection is not understood since item 50 is a side member of the base member 33, see col. 3, lines 65-67. The rejection overlooks the claim limitation that the adapter block is mounted to the trailer for movement between a stored and operating position. The member 50 is mounted to the hitch not to the trailer. Moreover, even if the Examiner were to contend that the member 50 when attached to the trailer is "mounted to the trailer", it is not mounted for movement between a stored and operating position. Thus, the rejection of claim 24 must be withdrawn.

Claim 26

In this rejection, the Examiner asserts that LaRue teaches a straight support rails. Applicant does not dispute this fact. However, the modification of LaRue by Talbert is traversed. The Examiner contends that Talbert teaches a pair of rear axle mounting plates. Applicant is at a loss for the support for this allegation. At most, Talbert describes wheels 25 at the rear of the low body trailer. There is nothing more described than this, and the Examiner's assertion that Talbert teaches "a pair of rear axle mounting plates adapted to connect to respective rear ends of the trailer support rails in a vertical orientation, the rear axle mounting plates adapted to rigidly support a rear axle" is pure conjecture. The wheels 25 could be connected directly to the body 23 and without the use of plates. Even if plates were used, there is no basis to conclude that the plates would be connected in a vertical orientation as claims. For the reasons above, claim 26 is

also patentable over the combination of LaRue and Talbert.

SUMMARY

It is contended that the Examiner has not established a *prima facie* case of anticipation or obviousness against the claims at issue in the application. LaRue does not anticipate claim 5, and the combination of LaRue and Jahn fails to establish a *prima facie* case of obviousness against claims 1, 2, 3, 13, 14, and 18. Likewise, the rejection of claims 24 and 26 based on LaRue and Talbert is in error. Since these independent claims are in condition for allowance, their respective dependent claims should also be allowed.

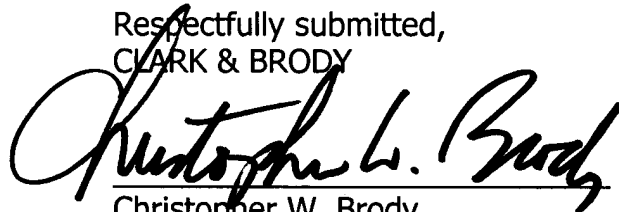
Accordingly, the Examiner is respectfully requested to examine this application and pass rejected claims 1-6, 13, 14, 18, and 23-30 onto issuance along with allowed claims 7-12, 15-17, and 19-22.

The above constitutes a complete response to all issues raised in the Office Action dated August 12, 2005.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", is written over a horizontal line.

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